

MAINE STATE LEGISLATURE

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STATE OF MAINE
DEPARTMENT OF ADMINISTRATIVE & FINANCIAL SERVICES
BUREAU OF GENERAL SERVICES
BURTON M. CROSS BUILDING
4TH FLOOR, 77 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0077

JOHN ELIAS BALDACCI
GOVERNOR

RYAN LOW
COMMISSIONER

M.F. CHIP GAVIN
DIRECTOR

To: The Joint Standing Committee on State and Local Government
From: Chip Gavin, Director, Bureau of General Services
RE: Statutory Reports
Date: February 8, 2010

The Bureau of General Services, pursuant to different sections of Title 5, is responsible for a variety of reports to the Joint Standing Committee on State and Local Government. I have bundled the reports below for your convenience. More information is available in nearly all cases should you require it.

5 MRSA Ch. 153 § 1742-D (8) Status of Current Leases

The Division of Leased Space was established by law in 1991 to procure, administer and hold leases for space on behalf of all departments and agencies. The Division today administers 215 leases statewide totaling approximately 1,488,475 square feet of space, primarily office space. The acquisition of leased office space is effectively managed through a highly open and competitive process, effective negotiations and by having a "global" perspective of leasing activities across all departments and various geographic regions of the State. The Division continues to effectively consolidate and regionalize space, seeks to avoid sprawl and emphasizes downtown sites in accordance with the law. State agencies, working through the Division, lease space in 35 downtown areas and 15 service center communities. The anticipated cost of leased space for the current fiscal year is approximately \$24.3 million. The Leased Space Division is an internal service fund and receives no general fund appropriation.

2009 Resolve, Chapter 102: Resolve, Regarding the Sale of Certain Real Property in the City of Hallowell

The Resolve requires Commissioner Low to make, and he has directed me to submit on his behalf, a written report to you on the status of all efforts toward the sale or transfer of Certain Real Property in the City of Hallowell. The stakeholder group called for in the Resolve has convened and met several times, the lease between the state and RSU 2 called for in the Resolve has been executed and communication about the project and its future sale has recently been renewed between the city and the state, including participation by the Bureau of General Services in a City Council meeting in early February, 2010. Additional preparatory steps, such as the creation of a draft Request for Qualifications solicitation, have been taken administratively as well. The city in August 2009 requested the sale process be slowed and the state agreed. This means that advertising, issuance of an RFQ and the selection of a buyer have yet to occur. Unless further extended, the legislatively granted authority to sell or transfer the site expires September 13, 2011, pursuant to 2003 Resolve, Chapter 92.

5 MRSA § 1825-P Code of Conduct Report

The law requires a report to you regarding the administrative and fiscal impact of the Code of Conduct law, and the degree of compliance with this law. The law aims to ensure certain standards are met by vendors who sell apparel, footwear or textiles to the state. In calendar year 2009, purchases totaling \$304,720.76 were made against Master Agreements (MA), and \$26,799.53 in one-time "spot" purchases, for a total value of \$ 331,520.29. In October, we implemented the 1% vendor fee on purchases of items covered by the Code of Conduct, and collected \$42.44 by year-end.

5 MRSA § 1825-B (10) List of State Preferences Published

This law requires the Bureau of General Services to publish a list of states that give preference to in-state bidders with the percent increase applied in each such state. The Bureau of General Services or any department or agency of the State may rely on the names of states and percentages as published in determining the best-value bidder without incurring any liability to any bidder. Maine relies on the State of Oregon's Reciprocal Preference website, as do many states. The link to that list is shown below, and is published on the Bureau of General Services, Division of Purchases website.

http://www.oregon.gov/DAS/SSD/SPO/reciprocal_detail.shtml

5 MRSA Ch. 155-A § 1830 Status of Current Fleet Vehicle Operations

This law requires a general report on the Central Fleet Management Division (CFM). CFM was established by the Legislature in 1991 in the Department of Administrative and Financial Services, Bureau of General Services, for the purpose of acquiring, maintaining and managing light duty vehicles for use by State Government and its employees on official state business except the Department of Public Safety. CFM works with agencies to reduce transportation costs. Strategies include minimizing operational disruption by providing well-maintained vehicles, increasing the fuel efficiency of the fleet, right-sizing vehicles to the job that needs to be done to avoid needlessly costly vehicles, converting employees who are being reimbursed for mileage into using more cost-effective state vehicles, and other initiatives. Most recently, for example, on the CFM 2009 vehicle order more than 70 vehicles were purchased by CFM for use by employees who previously were using their own vehicles and were being reimbursed for their mileage. An agency reimbursing an employee for 20,000 miles per year for paid mileage could save approximately \$3,000 per year if that employee used a compact sedan from Central Fleet Management, based on current paid mileage and CFM rates. The average cost for agencies to operate a CFM car during FY09 was \$0.324 per mile, well below the State paid mileage rate of the average of \$0.43 for the same time period. The paid mileage rate was \$0.42 per mile from July 1st 2008 to December 31st 2008 and \$0.44 per mile from January 1st 2009 to June 30th 2009. There were 1,596 vehicles in the fleet at the end of FY09, which is expected to increase to about 1,900 in FY10 in part because of the merger of the light duty fleet for the Maine Department of Transportation into Central Fleet Management pursuant to the FY10-11 biennial budget.

5 MRSA Ch. 15-A § 325 Historic Preservation of State House and Blaine House

This law requires the commission to report to the Legislature on its accomplishments and recommendations relating to the work and needs of the commission. The Blaine House Commission was established by the Legislature in 1993 to review and approve proposed changes to the home of Maine's governors and its grounds. Consisting of four state agency directors and five public members with related professional expertise, the Commission meets periodically in response to specific proposals which affect this historic property. In the last year, the Commission has worked closely with the non-profit support group, Friends of the Blaine House, to restore and maintain the 1920 New England Garden on the north side of the grounds and to hold the Autumn Reception on September 23, 2009, as well as ongoing electrical projects, replacement of basement entry doors, fence repair and painting, and interior painting. These initiatives were accomplished under the leadership of Maine's First Lady, Karen M. Baldacci. The active partnership of the First Family, the Blaine House Commission, the Friends of the Blaine House, and the Bureau of General Services assures the continuing preservation and enhancement of this state treasure.

5 MRSA § 1825-B (3) Cooperative Agreement Report

The law authorizes the state to enter into cooperative agreements with the University of Maine System and the Community College Systems when the agreement involves assisting a state agency and enhancing the ability of the University System or Community College System to fulfill its mission. The law providing for cooperative agreements allows competitive bidding to be waived. In calendar year 2009, 166 cooperative agreements were awarded pursuant to this law with a total value of \$34.8 million and a median value of \$35,872.

5 MRSA § 1753 (5) Employment of an Owner's Representative on School Construction Projects

Per 5 MRSA §1753.5, we received correspondence from some of the school districts employing an Owner's Representative for their construction project during the past calendar year. The comments are summarized here, and full copies are available upon request.

The e-mails cite numerous advantages to having someone in this position as the school superintendent's "eyes and ears" on the project. This is noted to be of special importance with the complexity of today's construction projects and the reductions in school district support staff which result in the districts having fewer in house resources to manage large construction projects. These responses also present the range of tasks that owners' representatives perform, depending on the needs of the particular school district.

Advantages noted include:

- ♦ keeping detailed records of all project correspondence;
- ♦ researching issues, making suggestions, explaining options;
- ♦ ensuring the owner's input during the construction and post-construction phases;
- ♦ providing weekly reports, some of which include photographs, to the owner;
- ♦ helping resolve abutters' concerns;
- ♦ providing financial oversight, including assistance to reconcile construction expenditures to the budget;
- ♦ dealing with the administrative and legal details of the project;
- ♦ ensuring that all aspects of the project proceed in a timely manner;
- ♦ dealing with the details of moving into the new facility;
- ♦ facilitating resolutions to misunderstandings and disputes between the architect and the contractor;
- ♦ helping to keep open lines of communication and lines of responsibility;
- ♦ providing continuity in times of significant personnel changes on the owner's side;
- ♦ assisting in procuring the commissioning agent.

A number of the districts specifically comment that the level of success they have on their project is due to having an owner's representative - someone who can keep the superintendent informed and provide the necessary support to the project so that the superintendent can attend to their regular professional duties.